

**U.S. Department of the Interior
Bureau of Land Management
Royal Gorge Field Office
3028 E. Main Street
Canon City, CO 81212**

DETERMINATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

OFFICE: Royal Gorge Field Office

PROJECT NUMBER: DOI-BLM-CO-F02-2014-048 DN

CASEFILE: Grazing Record No.–0505447

PROPOSED ACTION TITLE/TYPE: Range – Grazing Permit Transfer for Trail Canyon Allotment #5251 and Carlin Gulch Allotment #5139 (from Casey Potter to Bradley Ranches, LLC)

LOCATION/LEGAL DESCRIPTION: Fremont County, 6th Principal Meridian
T16S, R.70W, Sec. 6-8, 17-22, 30-32

Trail Canyon Allotment:

PASTURE	ACRES	AUM'S	PERCENT PUBLIC LAND
Garden Park Corral	326 BLM	16	100
*Sand Gulch	3,585 BLM 300 State	480 50	93
**Red Ridge North	1,948 BLM	254	100
Bare Hills South	1,369 BLM	162	100

The **Trail Canyon Allotment** would be scheduled as follows:

<u>Allotment/Pasture</u>	<u>Number</u>	<u>Kind</u>	<u>Grazing Period BeginEnd</u>	<u>%Public Land</u>	<u>Type Use</u>	<u>AUMs</u>
Trail Canyon No. 05251						
Sand Gulch	65	Cattle	11/1 – 4/30	93%	Active	356
Red Ridge North						
Even Yr.	65	Cattle	6/1 – 8/15	100%	Active	162
Odd Yr.	65	Cattle	8/16 – 10/30	100%	Active	162
Bare Hills South						

Even Yr.	65	Cattle	8/16 – 10/30	100%	Active	162
Odd Yr.	65	Cattle	6/1 – 8/15	100%	Active	162
Garden Park Corral	4	Cattle	5/15 – 6/15	100%	Active	4
	3	Cattle	9/1 – 12/31	100%	Active	12

The total amount of authorized livestock grazing on the **Trail Canyon Allotment** is:

Authorized Livestock Grazing				
<u>Allotment</u>	<u>Total</u>	<u>Suspended</u>	<u>Active</u>	<u>*Not Scheduled</u>
Trail Canyon	912	0	696	216

*The 216 AUMs of grazing use that are currently “Not Scheduled” may be activated and utilized with additional NEPA analysis.

The **Carlin Gulch Allotment** would be scheduled as follows:

<u>Allotment/Pasture</u>	<u>Number</u>	<u>Kind</u>	<u>Grazing Period</u>		<u>%Public Land</u>	<u>Type Use</u>	<u>AUMs</u>
			<u>Begin</u>	<u>End</u>			
Carlin Gulch							
Carlin Gulch Pasture	20	Cattle	11/01 – 05/31		74%	A	103
Mitre Peak South	8	Cattle	11/01 – 05/31		100%	A	57

The total amount of authorized livestock grazing on the **Carlin Gulch Allotment** is:

Authorized Livestock Grazing			
<u>Allotment</u>	<u>Total</u>	<u>Suspended</u>	<u>Active</u>
Carlin Gulch	174	14	160

APPLICANT: Bradley Ranches, LLC – Jim Bradley

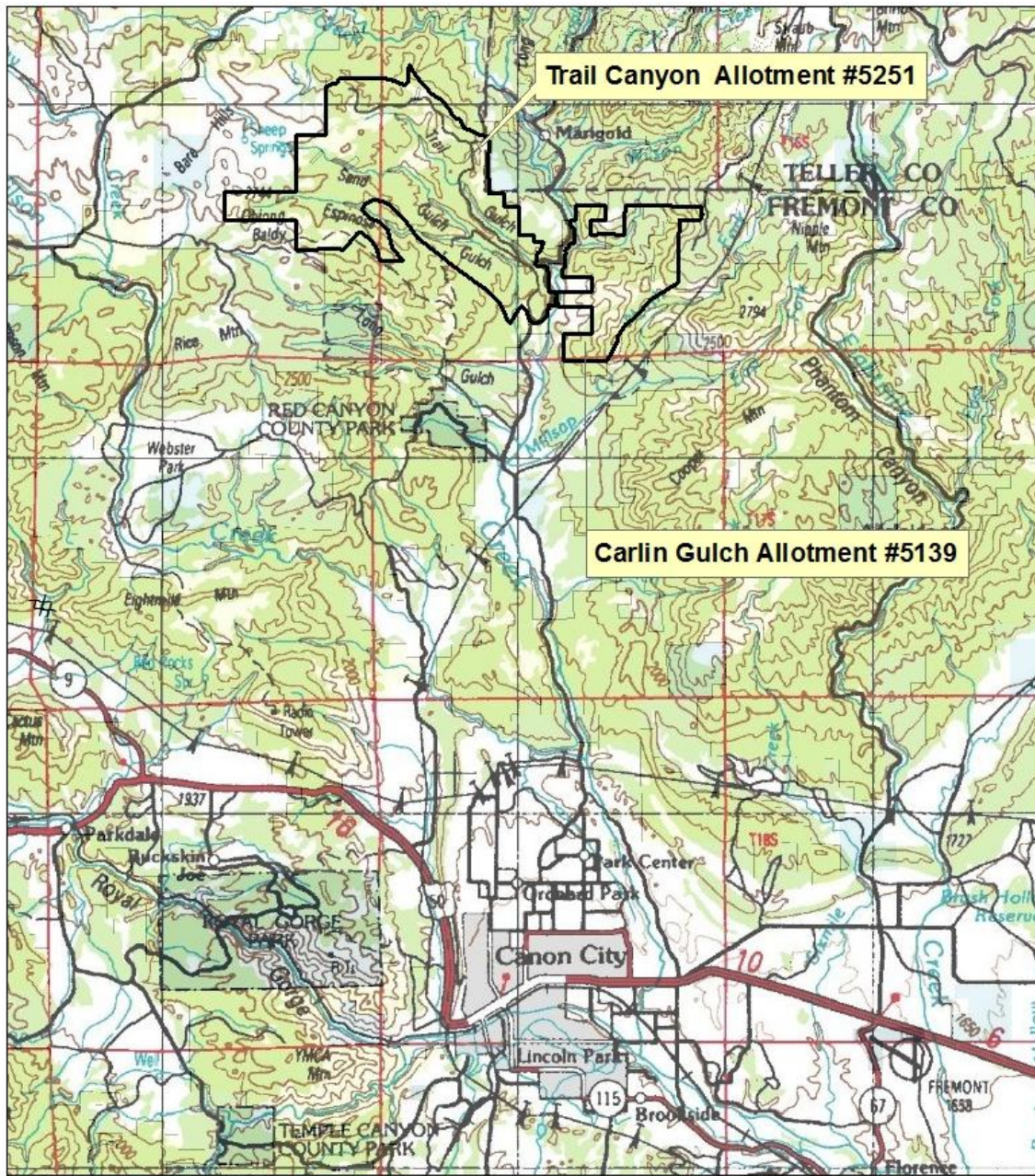
A. Description of the Proposed Action and any applicable mitigation measures

The proposed action is to transfer the authorization to graze livestock on public lands included in the Trail Canyon and Carlin Gulch Allotments to Bradley Ranches, LLC. The new permit would be issued for ten years as previously scheduled. Grazing use on the allotments will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates and times; authorized levels of use; or terms and conditions.

The allotments will continue to be managed under “Improve Management”. Improve category allotments generally include the most intensive management employed on allotments within the Royal Gorge Field Office. Management strategies may include dormant season use, rest rotation schedules, multiple pastures, and/or specific forage utilization standards. Generally, BLM lands under more intensive management are fenced and managed separately from the permittee’s private lands.

The base property for the Trail Canyon and Carlin Gulch Allotments was previously owned by Larsen Land & Cattle. Casey Potter now owns the base property and is leasing it to Bradley Ranches, LLC who has applied for the grazing lease for public land included in the Trail Canyon and Carlin Gulch Allotments.

The allotments have undergone internal interdisciplinary team review through Public Land Health Assessments conducted in 2001 and will be assessed again in 2012. The allotments are currently meeting public land health standards. In addition, the allotments were analyzed for permit renewal under BLM-CO-200-2007-0007 EA conducted in December, 2006.



Legend

- Allotment Boundary
- Bureau of Land Management
- Private
- State
- State, County, City, Areas

LOCATION MAP - GRAZING PERMIT TRANSFER

Trail Canyon & Carlin Gulch Allotments

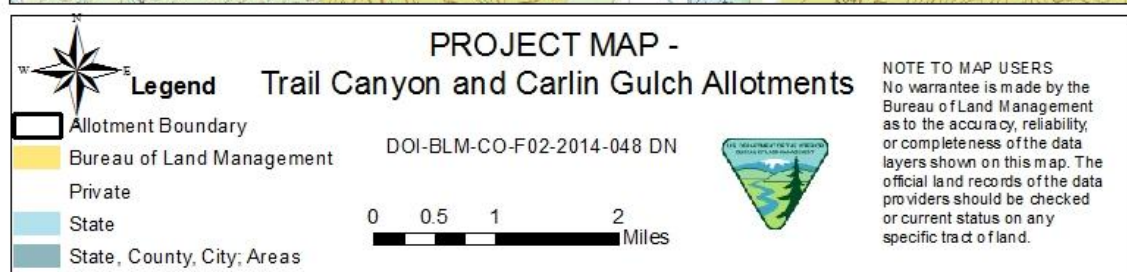
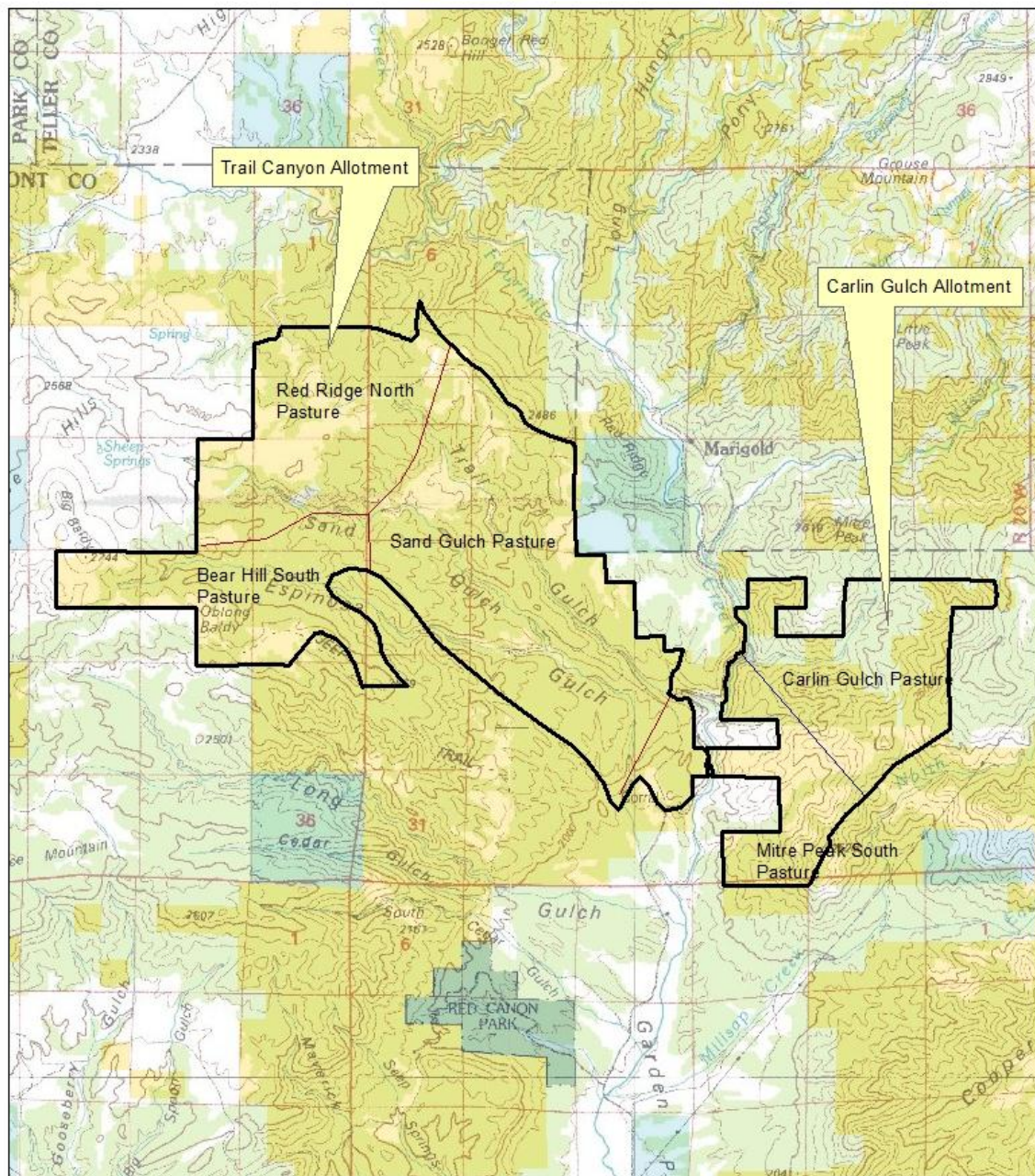
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0 1.25 2.5 5

Miles

NOTE TO MAP USERS

No warrantee is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.



B. Land Use Plan (LUP) Conformance

LUP Name Royal Gorge Resource Management Plan	Date Approved 05/13/96
Other Document	Date Approved
Other Document	Date Approved

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions: 5-2, 5-4, & C-30

Decision Language:

5-2: Season of use and stocking rates will continue based on the Grazing EIS and vegetation monitoring.

5-4: Grazing is authorized on 123 allotments.

C-30: Base livestock grazing management on the 1981 Royal Gorge Area Grazing Environmental Impact Statement. Continue to use allotment management plans (AMPs) on an interim basis until replaced with IAPs.

The Proposed Action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

BLM-CO-200-2007-0007 EA Term Grazing Permit/Lease Renewal

Date Approved: December 21, 2006.

BLM-CO-200-2009-0048 DN Temporary Grazing Modification for Trail Canyon Allotment

Date Approved: April 6, 2009.

DOI-BLM-CO-200-2012-0036 DN Range – Grazing Permit Transfer for Trail Canyon Allotment #5251 and Carlin Gulch Allotment #5139 (from Larsen Land & Cattle to Casey Potter)

Date Approved: March 28, 2012.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Public Land Health Assessment 2001 & 2012

Date Approved: September, 2001 & September, 2012

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The Proposed Action is substantially the same action and at the site specifically analyzed in the existing NEPA documents(s). Grazing use on the allotments will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates and times; authorized levels of use; or terms and conditions.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. The RMP/EIS and EA considered a range of alternatives. The existing EA for permit renewal was conducted in 2007 and continues to be appropriate for current conditions. The EA included a proposed action alternative that changed terms and conditions as a result of BLM acquiring the base property and a no action alternative that analyzed a no grazing option. No new environmental conditions or change in resource values have arisen that would invalidate those alternatives analyzed.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The previous information and circumstances and analysis are still valid in light of the 2001 Health Assessment, and no new issues concerning grazing have arisen on this allotment. Also, the EA was recently completed.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The impacts remain unchanged. Those impacts, including cumulative impacts, normally associated with livestock grazing are mitigated through managed grazing schedules, pasture rotations and monitoring of land health standards.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Extensive scoping and public involvement occurred in the RMP/EIS. Also, scoping occurred during the recent permit renewal.

E. Persons/Agencies /BLM Staff Consulted

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 5/30/2014
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	-----
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	CC, 5/29/14
John Lamman	Range Management Spec.	Weeds	JL, 06/05/2014
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 5/30/14
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	SSC, 5/29/14
Melissa Smeins	Geologist	Minerals, Paleontology	-----
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 6/9/14
Ty Webb	Fire Management Officer	Air Quality	TW, 6/9/14
Jeff Covington	Cadastral Surveyor	Cadastral Survey	JC, 6/9/14
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	KL, 6/18/2014
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	-----
Ken Reed	Forester	Forestry	KR, 6/2/14
Monica Weimer	Archaeologist	Cultural, Native American	-----
Michael Troyer	Archaeologist	Cultural, Native American	MDT 5/29/2014
Greg Valladares	Realty Specialist	Realty	GDV 07/17/2014
Ty Webb	Fire Management Officer	Fire Management	2/26/2015
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	-----

Other Agency Represented: None

REMARKS:

Cultural: Pursuant to BLM Instruction Memorandum Number CO-2002-029, RGFO cultural resources staff conducted a literature review of previous inventories conducted and sites recorded on the public land in the allotment area (see report CR-RG-14-121 R). Based on the information collected during the literature review, it was determined that no historic properties would be impacted by the proposed undertaking.

Native American Religious Concerns: The literature review indicated that site distribution is low in density and not coincident with livestock concentration areas. Therefore, it is unlikely that any traditional cultural properties or other sites of concern to the tribes will be affected by grazing. Tribal consultation has been completed for both allotments and has not revealed any properties of special concern.

Threatened and Endangered Species: There are no records of any federally listed or BLM sensitive species within the Trail Canyon Allotment. Therefore, Proposed Action will not result in impacts to TES species within this allotment.

A single male spotted owl was detected in Carlin Gulch in May of 1993. Habitat in Carlin Gulch consists of mixed conifer hillsides, but steep canyons are nonexistent. Birds have not been detected in that area since (last survey in 2012). It has been determined that suitable nesting habitat does not exist in this area. A land health assessment was last completed in 2012. Range conditions in mapped spotted owl habitat are meeting standards for public land health. Cattle are not reaching the upper reaches of the canyons in which an owl had been located in the past. Grazing is having "no effect" on spotted owl habitat.

MITIGATION: None

CONCLUSION

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Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF PROJECT LEAD: Chris Cloninger

SIGNATURE OF NEPA COORDINATOR: /s/ Martin Wiemer

SIGNATURE OF NEPA SUPERVISOR: Melissa K.S. Garcia

SIGNATURE OF THE RESPONSIBLE OFFICIAL: /s/ Keith E. Berger
Keith E. Berger, Field Manager

DATE: 6/9/15

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.